

FILED
SEP 13 2012
PATRICK E. DUFFY,
By DEPUTY CLERK MCGOWAN

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA,

CR 12-6-BU-DLC

Plaintiff,

vs.

FINDINGS & RECOMMENDATION
CONCERNING PLEA

LUCAS W. MULVAUGH,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of conspiring to maintain a drug-involved premises in violation of 21 U.S.C. §§ 846 and 856(a)(1), as set forth in the Superseding Information. Defendant further agrees to the forfeiture of cash proceeds in the amount of \$50,000 as specified in the Plea Agreement, but if that amount is not paid as specified then Defendant agrees to enter a concession to a money judgment in the amount of \$466,000 as specified in the Plea Agreement. In exchange for Defendant's plea, the United States has agreed to dismiss the

Indictment previously filed in this matter.

After examining the Defendant under oath, I have made the following determinations:

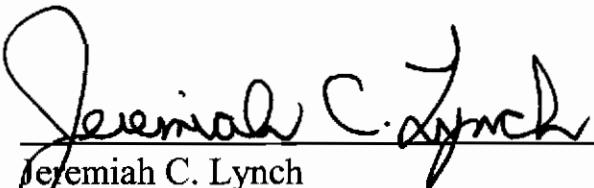
1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offense charged against him, and an informed and voluntary admission to the allegation of forfeiture;
2. That the Defendant is aware of the nature of the charge against him and the consequences of pleading guilty to the charge;
3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;
4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal offense charged against him, and admitting to the allegation of forfeiture;
5. That both his plea of guilty to the criminal offense charged against him and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal offense charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review

the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of the criminal charge set forth in the Superseding Information, and that sentence be imposed. I further recommend the agreed forfeiture be imposed against Defendant. Finally, I recommend that the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 13th day of September, 2012.



Jeremiah C. Lynch
United States Magistrate Judge